

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

FRANCISCO TORRES,

Plaintiff,

V.

**MICHAEL J. ASTRUE, as
Commissioner of the Social Security
Administration,**

Defendant.

CASE NO. 8:08CV244

ORDER

This matter is before the Court on the Plaintiff's Motion to Strike and Substitute Brief (Filing No. 23). The Plaintiff informs the Court that his previously filed brief (Filing No. 22) was inadvertently filed with the wrong case number. He seeks leave of the Court to strike Filing No. 22 and to allow the brief attached to his motion to be filed instanter. The Court notes that the attached brief still contains an error as to the case number. The attached brief identifies the case number as 8:07-CV-244 when the correct case number is 8:08-CV-244. The Court will direct the Clerk of the Court to strike the Plaintiff's brief (Filing No. 22) and will direct the Plaintiff to file an amended brief with the correct case number.

IT IS ORDERED:

1. The Plaintiff's Motion to Strike and Substitute Brief (Filing No. 23) is granted with respect to the request to strike his previously filed brief (Filing No. 22), and denied with respect to the request to substitute the brief attached to the motion;
2. The Clerk of the Court shall strike Filing No. 22; and

3. The Plaintiff shall file his amended brief in support of his appeal with the corrected case number **(8:08-CV-244)** on or before February 13, 2009.

DATED this 10th day of February, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge